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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on December 19, 2003.

Karen Tessender

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Robb R. Gardner et al : Paper No.:

Serial No.: 09/778,678 : Group Art Unit: 1771

Filing Date: February 7, 2001 : Examiner: L. Salvatore

For: Enhanced Fabric Comprising Substrates and Process to Provide Same

TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF

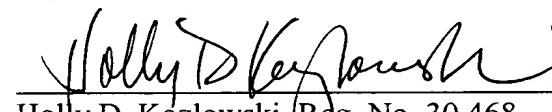
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith in **triplicate** is a Supplemental Appeal Brief in response to the Advisory Action dated November 20, 2003.

Please charge any fees required to Deposit Account No. 04-1133.

Respectfully submitted,


Holly D. Kozlowski, Reg. No. 30,468
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8568



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SUPPLEMENTAL APPEAL BRIEF

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Alexandria, VA 22313-1450

Dear Sir:

The present Supplemental Appeal Brief is submitted to respond to the Advisory Action dated November 20, 2003 and received subsequent to filing of the Appeal Brief on November 25, 2003.

I. NEW ISSUE RAISED IN ADVISORY ACTION

In the continuation of Section 5 of the Advisory Action, the Examiner asserted that with respect to claim 24, Applicants' arguments set forth in the Request for Reconsideration Under 37 C.F.R. 1.116 filed by certificate of mailing on September 22, 2003 are found persuasive and the rejection is withdrawn. However, the Examiner continued to assert that the claim is not found allowable at this time since an updated art search would be required.

II. CLAIM 24 IS ALLOWABLE

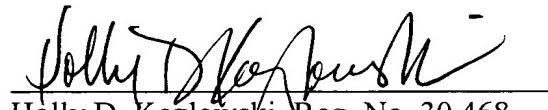
In view of the Examiner's indication that the rejection of claim 24 has been withdrawn, and no other outstanding rejection of claim 24 has been made, claim 24 is now

allowable. While the Examiner asserts that an updated art search would be required, Applicants submit that the burden is on the Examiner to conduct such a search at this time or otherwise allow claim 24. Simply, there is no basis for indicating that claim 24 is neither rejected nor allowed. Accordingly, reconsideration and allowance of claim 24 by the Examiner is requested or, in the alternative, reversal of the Examiner's decision to not allow claim 24, in the absence of any rejection of claim 24, should be reversed.

III. CONCLUSION

For the reasons set forth in detail in Appellants' Appeal Brief, and the additional arguments set forth above, reversal of the outstanding rejections is respectfully requested.

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